



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6173 5548

February 29, 2008

Mr. Michael Ginn
Fire Marshal
Petaluma City Fire Department
11 English Street
Petaluma, California 94952

Dear Mr. Ginn:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of Petaluma City Fire Department's Certified Unified Program Agency (CUPA) on January 24, 2008. The evaluation was comprised of an in-office program review by the State evaluator. The evaluator completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Petaluma City Fire Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Status Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Status Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on April 23, 2008.

Cal/EPA also noted during this evaluation that Petaluma City Fire Department has worked to bring about a number of local program innovations, including the use of administrative citations for recalcitrant violators and the training of fire fighters to recognize hazardous materials problems during fire inspections. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Michael Ginn
February 29, 2008
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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Jim Bohon]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc/Sent via email:

Mr. Kevin Graves
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Ms. Terry Brazell
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

Ms. Maria Soria
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Mr. Michael Ginn
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cc/Sent via Email:

Mr. Ben Ho
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Brian Abeel
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047



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Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Petaluma City Fire Department

Evaluation Date: January 24, 2008

EVALUATION TEAM

Cal/EPA: Kareem Taylor

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA did not report the number of routine inspections that return to compliance (RTC) on its Annual Inspection Summary Reports (Report 3s) for FYs 05/06 and 06/07. The Annual Enforcement Summary Reports (Report 4s) for both FYs show that facilities were cited for violations.</p> <p>CCR, Title 27, Section 15290 (a)(2) (Cal/EPA)</p>	<p>This deficiency was corrected during the evaluation.</p>
2	<p>The CUPA's narrative self audit does not adequately summarize the effectiveness of its activities. These activities include, but are not limited to the following:</p> <ul style="list-style-type: none">• permitting• inspections• enforcement• single fee system <p>CCR, Title 27, Section 15280 (c) (Cal/EPA)</p>	<p>By September 30, 2008, the CUPA will complete a narrative self audit that adequately summarizes the effectiveness of its activities. Submit the CUPA's FY 07/08 self audit to Cal/EPA.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

CUPA Representative

Michael Ginn
(Print Name)

Original signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original signed
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** On the facility inspection reports reviewed, none contain a signed consent to inspect by a facility owner/operator. Signed consent on the inspection report is important because it strengthens any potential enforcement case against a noncompliant facility.

Recommendation: On the inspection report, add a section where an owner/operator can grant consent by signing his/her name on the inspection report. The CUPA will then be documenting consent to inspect.

2. **Observation:** The CUPA reinspects all facilities cited for violations to determine whether or not a facility has RTC. Some files observed also contained owner/operator certification of RTC.

Recommendation: Reinspecting all facilities cited for violations is a practice encouraged by Cal/EPA.

3. **Observation:** The CUPA does not normally use checklist-style inspection reports when performing program element inspections. Inspectors use a narrative-style inspection report to document observations and violations. The CUPA does have checklist-style inspection reports on file for newer inspectors.

Recommendation: Cal/EPA suggests that the CUPA use its checklist-style inspection reports to ensure that no rules, regulations, or statutes are inadvertently overlooked.

4. **Observation:** In FY 06/07, the CUPA collected \$94,375 in local business fees while the cost to implement the Unified Program (UP) was \$141,350. The local fees fund approximately 66% of the costs to implement Petaluma's UP. The remaining 34% is supported by the General Fund.

Recommendation: Cal/EPA suggests that the CUPA consider revising its fees so that local business fees cover a larger percentage of the UP costs to provide long term stability.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The files are organized and arranged with dividers, which makes it easy for a reviewer/user to find information about a facility. On the inside left of a file is the consolidated permit followed by the HMMP Cover & Statistical Data Sheet that gives a quick overview of the business and other general information. The following pages provide information about hazardous materials inventory, inspections, training, emergency response, and USTs.
2. The CUPA refers small quantity and household hazardous waste generators to a hazardous waste collection facility on Meecham Road in Petaluma. The hazardous waste collection facility is a convenient way for residents to dispose of hazardous waste.
3. Sonoma County CUPAs meet on a quarterly basis to discuss Unified Programs inspections. These meetings provide a support system for CUPA inspectors and results in more consistent inspections throughout the county.
4. The CUPA uses administrative citations as a vehicle to penalize recalcitrant violators. Class 1 violations are referred to the District Attorney. Because of the CUPA's proactive approach to inspections, enforcement, and education in past years, formal enforcement cases have been very minimal.
5. Local fire fighters receive training in the hazardous materials program by a CUPA staff member. This enables them to recognize hazardous materials problems while fire inspections are performed.
6. The CUPA sends a "verification of review of business plans" form along with the single fee invoice to regulated facilities. This reminds owners/operators to review business plans for changes and to send the required documents to the CUPA.